

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MARY FOX, ROSALIE CIRILLO,
CAROLINE ELLIOTT, IRMA
SALGADO, ANN NAJPAUER, LEILA
CREEK,

Plaintiffs,

v.

J.P. MORGAN CHASE BANK, a
business entity, form
unknown; BRETT ANDRIOTTI,

Defendants.

Case No. CV 11-06865 DDP (JCx)

**ORDER TO SHOW CAUSE WHY THIS CASE
SHOULD NOT BE REMANDED FOR LACK
OF JURISDICTION**

The court orders the parties to show cause why this case should not be remanded for lack of subject matter jurisdiction. Plaintiffs, citizens of California, filed suit in California Superior Court against Defendants asserting purely state law claims. Defendant J.P. Morgan Chase Bank, N.A. ("J.P. Morgan") alleges it is a citizen of Ohio. (Notice of Removal; Ex. A.)

Defendant filed its notice of removal on August 19, 2011, asserting that this Court has diversity jurisdiction pursuant to 28 U.S.C. §§ 1332. In its notice of removal, J.P. Morgan asserts that

1 individual defendant Brett Andriotti ("Andriotti"), a California
2 citizen, is a sham defendant. (Notice of Removal at 1.)

3 A defendant may remove a case from state court to federal
4 court if the case could have originally been filed in federal
5 court. 28 U.S.C. § 1441(a); see also Snow v. Ford Motor Co., 561
6 F.2d 787, 789 (9th Cir. 1977). "The district courts shall have
7 original jurisdiction of all civil actions where the matter in
8 controversy exceeds the sum or value of \$75,000 . . . and is
9 between . . . citizens of different States[.]" 28 U.S.C.
10 § 1332(a)(1). The removal statute is strictly construed against
11 removal jurisdiction, and federal jurisdiction must be rejected if
12 any doubt exists as to the propriety of removal. Gaus v. Miles,
13 Inc., 980 F.2d 564, 566 (9th Cir. 1992).

14 Plaintiffs' complaint refers to Defendant Brett Andriotti, as
15 well as other individuals who also appear to be California citizens
16 and are alleged to have engaged in conduct similar to Andriotti's.
17 Of these individuals, only Andriotti is named as a defendant, and
18 then only by one of the six Plaintiffs in one of the five causes of
19 action. Nevertheless, the complaint's numerous references to
20 Andriotti, with respect to multiple Plaintiffs(See, e.g. Complaint
21 ¶¶ 31, 34, 46, 80), raises concerns with the court that Andriotti
22 is not a sham defendant, and that complete diversity of citizenship
23 may not in fact exist.

24 The court therefore orders the parties to file cross-briefs,
25 not to exceed ten pages, within 14 days of the date of this Order,
26 to show cause why this action should not be remanded to state court

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1 for lack of subject matter jurisdiction. The court will interpret
2 either party's failure to file such motion as consent to remand.
3 IT IS SO ORDERED.

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Dated: September 2, 2011


DEAN D. PREGERSON
United States District Judge